

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *GJ* D.C.
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UNITED STATES OF AMERICA,)
vs.) CR. NO. 03-20327-B/P
TONY SEA,)
Defendant.)

THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
WD OF TN, MEMPHIS

ORDER DENYING DEFENDANT'S PRO SE MOTION REQUESTING NEW COUNSEL

Before the court is defendant Tony Sea's pro se Motion Requesting New Counsel, filed July 15, 2005. The motion is a "form" motion with blanks where the defendant filled in his name, his attorney's name, the date counsel was appointed, and the number of times counsel has met with the defendant. The form portion of the motion goes on to allege that Ms. Brown has not provided him with discovery and has not provided defendant with a copy of the charging instrument.¹ The form motion also asserts that "[c]ounsel is not serving defendant's best interest." The motion was referred

¹ This fill-in-the-blank form motion is identical to several other motions filed by in-custody defendants in this district. The form allegations are without merit. For example, the defendant was provided with a copy of the charging instrument at his initial appearance and arraignment. He also apparently was provided with discovery in December 2003 by his prior counsel, who was later disqualified due to a conflict of interest. (See dkt #21 Rule 16 discovery letter).

to the Magistrate Judge for determination. On July 27, 2005, the court held a hearing on the motion. Present at the hearing were the defendant, Ms. Brown, and the prosecutor. At the hearing, the court heard from Ms. Brown and the defendant. Ms. Brown informed the court that since her appointment to this case in March 2005, she has had several conversations, including plea negotiations, with the prosecutor, and has communicated with the defendant about these plea discussions and offers on multiple occasions. She has filed a motion to release the defendant on bond (which was denied), and stated that, if appropriate, she will file other motions if this case proceeds to trial. The court questioned the defendant about his specific concerns regarding Ms. Brown, and other than generalized concerns about "philosophical differences," the defendant did not express any grounds to appoint new counsel. For these reasons, the motion to appoint new counsel is DENIED.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

Date August 1, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 87 in case 2:03-CR-20327 was distributed by fax, mail, or direct printing on August 2, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT